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US: WASHINGTON STATE ENACTS SALARY HISTORY BAN

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Washington joins several other states (including Oregon and California) and some US cities in prohibiting employers from asking about an applicant's wage or salary history. Signed by the governor on 9 May 2019, and effective on 28 Jul 2019, [House Bill 1696](#) broadens the scope of the [Equal Pay and Opportunities Act](#) (EPOA) and aims to increase pay transparency and eliminate gender-based pay disparities.

HIGHLIGHTS OF THE ACT

- Employers can confirm an applicant's salary history if an applicant "voluntarily" discloses it. The bill doesn't define what types of compensation would be considered part of an applicant's "wage or salary history."
- Employers with 15 or more employees must provide wage or salary information to an applicant who requests it after receiving a job offer.
- Employees who transfer internally — including to a new position or because of a promotion — are entitled to receive the applicable wage scale or salary range. If no wage scale or salary range exists, the employer must provide the minimum wage or salary expectation set "prior to posting the position, making a position transfer, or making the promotion."
- Employers can confirm a job applicant's salary history after offering the applicant a job.
- Employers can't require applicants to meet certain "salary criteria, although this term isn't defined.
- Sanctions include actual damages or statutory damages up to US \$5,000, and payment of interest, costs and legal fees. The court may also order reinstatement and injunctive relief.

RELATED RESOURCES

- [House Bill 1696](#) (Washington State Legislature, 25 Apr 2019)

- [Information on Equal Pay and Opportunities Act](#) (Washington State Department of Labor and Industries)

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